

MEMO ENDORSED

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UNITED STATES District Court
SOUTHERN District of New York

Wendell Belle,
Petitioner,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/31/2023

Vs.

Case NO. 15 Cr. 537 (VEC)

United States of America,
Respondent,

MOTION FOR CONSIDERATION

Now Comes,

Petitioner Wendell Belle, who
files this motion PRO-SE, and request
from this Court to look upon his plead-
ings in a PRO-SE, fashion.

As in HAINES VS. KERNER,
404 US 519 (1972),, Whereas it states
that PRO-SE, litigants are not held
to the stringent standards as Attorneys.
Petitioner, files this motion in re-
gards of the gate keeping provisions CON-
(1)

Concerning the filing of a § 2255 motion.
(AEDPA),

The Petitioner, was sentenced
February 23rd, 2022,

At the time the Petitioner,
was in state custody actually doing and after
federal sentencing.

The State facility in which the
Petitioner, was being held, did not have
any means as far as, books or Computer System
to study any federal law (NO federal legal
material present).

Petitioner, now being housed in
MDC - Brooklyn (pre-trial hold-over center)
was informed by actual federal inmates and
staff, that he has one-year after federal
sentencing to file a § 2255 motion.

Petitioner, was received by the federal
system on November 23rd, 2022, from the
State of New York Penal System.

Petitioner, had no knowledge until
§ 2255 motion was until, being transferred
to federal custody.

So at this time Petitioner is
actually putting the District Court on Notice.
(2)

Concerning the filing of this motion.

As Reiterated earlier Petitioner, was sentenced 02/23/2021, actually that sentencing was pursuant to the (FSA) New sentencing guidelines.

So in-order to file a adequate defense Petitioner, Needs adequate time to study his case.

The state sentence in which the Petitioner, served nine-years maximum out date on, is relevant conduct concerning the federal sentence that Petitioner, is now serving.

The state and federal convictions derived from the state charges that basically created the federal charges.

Petitioner, is now making it a part of the record, as far as letting the Court know that the one-year date from sentencing to file may not be met.

Respectfully Submitted

Dated on January
1st 2023

Wendell Belle
WENDELL BELLE
(3) REGISTER NO. 76407-054

CC: file

Certificate of Service

I, Wendell Belle, being said
petitioner, in said motion hereby
declare that under the penalty of
perjury pursuant to 1746;

that everything stated in
said motion is true and correct to
the best of my knowledge and I
sign and date below.

Wendell Belle on this 1st day of
SIGNATURE
JANUARY 2023

Mendell Belle # 76907-054
MDC Brooklyn
P.O. Box 329002
Brooklyn N.Y. 11232

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The Clerk of Court is respectfully directed to open a parallel civil case for Mr. Belle's Section 2255 petition. The document at 15-cr-537-3, Dkt. 1771, should be docketed as docket entry 1 in the new civil case. The Clerk of Court is further directed to serve a copy of this endorsement on the pro se petitioner, and note the mailing on the docket.

Date: 1/31/2023

SO ORDERED.

Valerie Caproni

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

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